



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

MAY 13, 2008

PRESENT: Acevedo, Koepp-Baker, Davenport, Escobar, Lyle, Mueller

ABSENT: Tanda

LATE: None

STAFF: Community Development Director (CDD) Molloy Previsich, Planning Manager (PM) Rowe, Senior Civil Engineer (SCE) Creer, and Minutes Clerk Johnson

Chair Escobar called the meeting to order at 7:00 p.m., inviting all present to join in pledge of allegiance to the U.S. flag.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Escobar opened, and then closed, the public hearing as there were none present indicating a wish to address matters not appearing on the agenda.

MINUTES:

APRIL 8, 2008

COMMISSIONERS MUELLER/KOEPP-BAKER MOTIONED TO APPROVE APRIL 8, 2008 MINUTES WITH THE FOLLOWING REVISIONS:

- Page 5, paragraph 7: ~~these 10 units~~ *all but 10 units for the current year under*
- Page 15, paragraph 8, 2nd bullet: 'almost everyone' ~~uses residual land as an increase to density (if double/triple density, land value only goes up)~~ residual land value methodology *land value goes up by a proportion of the density increase*
- Page 16, item 8, add bullet: *Commissioner Davenport said, "We were presented with many examples of form based codes as 'best practice' for downtown revitalization projects."*

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THE MOTION CARRIED (6-0-0-1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA.

APRIL 22, 2008

COMMISSIONERS MUELLER/DAVENPORT MOTIONED TO APPROVE APRIL 22, 2008 MINUTES WITH THE FOLLOWING REVISIONS:

Three instances within document: Vote ~~5-0-0-23~~ **5-0-0-2**

~~Commissioner~~ **Chair** Mueller {several instances}

Page 3, paragraph 3, 1st bullet: [~~Commissioners suggest: as part of downtown surfacing Llagas Creek; bring to surface Downtown and to the west of Monterey for a nice linear pathway for pedestrians~~] **[Commissioners suggested that Llagas Creek be brought to the surface in the downtown area as part of a project to create a nice linear pathway for pedestrians]**

Page 4, paragraph 2, 4th bullet, 2nd sub-bullet: traffic trips (about ~~40~~ **202** per day at full capacity)

Page 6, 1st paragraph 6: to the City is **should be** shown

Page 11, paragraph 9, line 1(insert) space buffer **or an agricultural mitigation buffer?**

Page 11, paragraph 9, line 6 (add):ethanol, **but are still only \$4300 per acre.**

Page 12, add paragraph 7: **As an alternative to the various staff-proposed ag options, the Commissioners indicated support for having staff look at an open space buffer from the freeway east and a (smaller) ag buffer area on part of the Chiala property. CDD Molloy Previsich agreed to include this as a studied option.**

THE MOTION CARRIED (4-0-2-1) WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, DAVENPORT, LYLE, MUELLER; NOES: NONE; ABSTAIN: ACEVEDO, ESCOBAR; ABSENT: TANDA

PUBLIC HEARINGS:

Citing the potential for conflict of interest as this property is directly across the street from his business, Commissioner Acevedo asked to be excused at 7:04 p.m., and left the meeting room.

**1) DAA-06-06B/
DSA-06-01B:
MONTEREY-
GUNTER**

A request to amend the project development agreement and development schedule for a 15-unit mixed use residential project. The amendments will allow up to 18 additional months to commence construction on the 15 residential units and will also extend the dates for other development milestones. The project site is approximately one acre in size and is located at 17620 Monterey Rd., approximately 100 feet north of Main Ave. in the CC-R Zoning District.

SP Tolentino gave the staff report, noting the 15 allotments had been awarded through the Small Vertical Mixed use Category of RDCS, and consisted of two phases. She proceeded by giving an overview of the years and numbers of the allocations. SP Tolentino explained that in 2006, the single FY 2008-09 allotment was rolled into FY 2009-10 in order to have all 11, Phase 2 units to be constructed at one time.

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The applicant for this project has obtained Site and Architectural Plan approval for Phase 1, SP Tolentino explained, but has yet to make a decision of whether to retain the units as rentals or create for-sale units. However, the applicant has decided to process a condominium map to keep open the options of selling the units in the future. Having done that, SP Tolentino advised, the applicant ensures that the project would not be subject to the City's Condominium Conversion Ordinance which precludes conversion of rental units to condominiums if the City's rental vacancy rate is below 5%.

SP Tolentino then addressed the revised Development Schedule as requested by the applicant.

SP Tolentino reiterated that the request for extension was outlined in the letter from the applicant, and was – like others received – due to current market conditions. She advised that the applicant has already pulled the building shell permit for the first phase, but the applicant is still working on the residential tenant improvement plans.

Chair Escobar opened the public hearing.

Craig C. van Keulen, 17600 Monterey Road, was present to represent the applicant. Commissioner Lyle said, "I'm surprised at the length of time for the first phase. Is the extension to December feasible? I always worry about starting a project in December due to the uncertainty of weather conditions."

Mr. van Keulen responded by telling of the difficulty experienced in trying to pull together the elements of mixed use for the site. He said he thought he had met the commence construction time and so was currently trying to work with the City to tie in the residential use while the shell is constructed.

Commissioner Lyle asked if there were any inhibitors to starting the shell now? Mr. van Keulen said the issue hinged on how rapidly the 'financing jumble could proceed'. "It is not the condo map that is holding us up with the shell, but financing," he said. Commissioner Lyle inquired how long the applicant thought the condo might take? Mr. van Keulen acknowledged he did not know as 'we haven't done this before when a tentative map was involved; we must do the tentative map for the entire process not just four units'.

With no others present indicating a wish to speak to the matter, the public hearing was closed.

Commissioner Lyle reiterated concern with 'going 18 months. He said, "At first we were looking at 2006-07 allotment being started, but now we are looking at starting three years away. I understand the rationale, but the timeline is troublesome."

Commissioner Koepp-Baker expressed concern of the condition of the site at the present time, and said it needed clean-up attention.

Commissioner Mueller said he thought it would be wise to start the office/ commercial portion of the mixed use as soon as possible. Commissioner Mueller reminded, "It is money so the developer probably wants to do the commercial facet as soon as possible."

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COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF THE MODIFIED DEVELOPMENT AGREEMENT AMENDMENT APPLICATION DAA-06-06B: MONTEREY-GUNTER TO ALLOW FOR UP TO AN 18-MONTH EXTENSION OF TIME TO COMMENCE CONSTRUCTION ON FOUR, FY 2006-07 AND 11, FY 2009-10 BUILDING ALLOTMENTS AND INCLUSIVE OF THE FINDINGS AND CONDITIONS LISTED IN THE RESOLUTION. COMMISSIONER DAVENPORT SECONDED THE MOTION, WHICH PASSED (4-1-0-2) WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, DAVENPORT, ESCOBAR, MUELLER; NOES: LYLE, WHO STATED CONCERN OF THE 18-MONTH EXTENSION; ABSTAIN: NONE: ABSENT: ACEVEDO, TANDA.

COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING AN AMENDMENT TO THE DEVELOPMENT SCHEDULE FOR APPLICATION MC-05-03: MONTEREY – GUNTER AS PRESENTED BY STAFF. COMMISSIONER DAVENPORT, NOTING THE FINDINGS AND CONDITIONS WITHIN THE RESOLUTION, SECONDED THE MOTION, WHICH PASSED (4-1-0-2) WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, DAVENPORT, ESCOBAR, MUELLER; NOES: LYLE, **; ABSTAIN: NONE: ABSENT: ACEVEDO, TANDA. **In clarifying the ‘no’ vote, Commissioner Lyle stated concern of the extension for 18 months, but said, “I would not have a problem with 12 months.”

Commissioner Acevedo returned and was seated on the dais at 7:11 p.m.

**2) UP-08-02:
MONTEREY-
SHADOW
MOUNTAIN
BAPTIST
CHURCH**

A request for approval of a conditional use permit to allow conversion of an existing 9,600 square foot commercial office building into a 12 classroom private educational facility serving grades K through eight. The project site is located at 17810 Monterey Rd. in the CL-R, Light Commercial Residential zoning district.

PM Rowe presented the staff report, and included detail of the location, land use – including that of surrounding properties, zoning, and plans for the site as presented by the applicants. This site, PM Rowe said, contains 1.58 acres and should be adequate for the 95 students anticipated for the beginning of the opening of the school with the student population (K – 12) eventually growing to 165 students, together with the approximately 20 teachers for the school. He also advised of an existing 9,600 sf commercial office building, which is slated for use for the classroom facilities for the school, together with a 1,440 sf modular for use as an office.

PM Rowe reminded that findings are required for a Conditional Use Permit (CUP) and the required findings for this application were included in the staff report. Of particular interest in the findings was the issue of traffic impacts (which were addressed specifically with drop-off and pick-up times) and parking. Traffic circulation, PM Rowe said, would be addressed with specific measures:

- right-turns only – enhancement of traffic clearing areas
- queuing
- 2-way drive aisles
- specific vehicle number stacking
- identification of temporary no parking areas

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PM Rowe acknowledged that in the future - with further parcel redevelopment – a second driveway could be possible with a different configuration, while the right-turn only restrictions would be retained. but still right turn in and out

Commissioners discussed with staff:

- parking area configuration
- total number of parking spaces [30 - 10 more than needed]
- times of operation
- restrictions on left turns
- need for emergency evacuation plan for building
- potential effect on traffic if/when land parcel to the east (planned for Church expansion) is developed
- concern of space on surface streets for u-turns for southbound travelers to the site
- (staff had driven area for potential problems; this was not identified as a concern)
- potential for safety concern if hours of operation coincide with Brittan Middle School

Chair Escobar opened the public hearing.

Architect Jeff Moore (no address provided) was present to represent the applicant. Mr. Moore thanked Planning staff for working diligently with the applicant. Mr. Moore said

the applicant was willing to make modifications and changes as required to the presented conditions of approval. He stressed that the plan for traffic and parking safety was included in the education program in writing. Mr. Moore agreed with PM Rowe that any future church use for parking would require the issue to be re-addressed at the time planning for greater use.

As to an emergency evacuation plan, Mr. Moore said the Church was committed completion of the plan and will provide the detail to the City.

Pastor Kyle Haynes, 184 W. Main Ave., was present and spoke to the Commissioners in response to questions and suggestions:

- time line for Church development and expansion (undecided as congregation wants to
- move forward with the school first (Commissioner Mueller explained that environmental review can not be completed incrementally; however, environmental assessment work on a project as presented can be reviewed)
- need for specific hours of operation in a CUP, including evenings, weekends, and the potential use for a '12 month, year round school'
- maximum use of building
- possible variant of parking easement; Planning staff re-evaluates strictly as a safety issue; best pattern for traffic

Chair Escobar cautioned the importance of stressing to those associated with the school that they know the 'right turn in and right turn out' only rule. "Is it understood that those

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coming south on Monterey cannot turn left?" he asked. The applicant responded that the issues with traffic will be addressed through a formal process with the parents. Discussion followed at to the more logical street for a U-turn, which would be Central. "It could not be Main Street," Commissioner Lyle said, "and Central would create an issue as it is not a wide street. For sure, south bound travel is a concern and I'm not sure how to effectively address it."

Commissioners also discussed with Pastor Haynes and Mr. Moore the following:

- where members of church live [only about three families live north of the school site; the majority would be coming from south]
- it is not a requirement to attend church to go to the school [no; addressed in school manual]
- teachers are members of the church
- evacuation plan to be formulated and presented to City staff

With no others present to address the matter, the public hearing was closed.

Commissioners Mueller/Lyle motioned to accept and approve the Mitigated Negative Declaration, together with the Mitigation Monitoring Plan. The motion passed with the unanimous affirmative vote of all Commissioners present; Tanda was absent.

Commissioner Mueller listed **modifications to the resolution:**

- **approval of the CUP with section 2 #2 identifying the traffic pattern of *right in and right out***

~~addition of #5 to Section 5: when student population reaches 130, Planning staff will need to do an evaluation of traffic {increases} and if needed, modify the CUP~~ [Commissioner Mueller stressed the necessity of letting the school know they may have to spend money on the traffic issues] This proposed modification was subsequently withdrawn when it was pointed out there is the annual review requirement for a CUP. Staff was asked to note the need for assessment of circulation at that annual review. Commissioner Acevedo asked how a traffic count was achieved? [staff observation]

- **emergency evacuation plan/requires fire department approval (add #6) to section 2**
- **section 4 #2: amendment to hours of operation to 12 months of year from 7 a.m. to 10 p.m.; classroom times to be within normal core and limited to identified classrooms;**
- **special activities allowed until 10 p.m. weekends and evenings**

Having noted those modifications, **COMMISSIONER MULLER OFFERED A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A 9,600 SQUARE FOOT PRIVATE SCHOOL FACILITY AND 1,440 SQUARE FOOT MODULAR OFFICE TRAILER ON A L.15-ACRE PARCEL LOCATED AT 17810 MONTEREY ROAD, AND INCLUSIVE OF THE FINDINGS AND CONDITIONS SO NOTED. COMMISSIONER DAVENPORT SECONDED THE MOTION, WHICH PASSED (6 - 0 - 0 - 1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA**

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3) UP-08-03: VINEYARD- NORTHERN CALIFORNIA CEMENT MASONS

A request for approval of a conditional use permit to operate a mason apprentice training center at 15825 Concord Cir. The building is zoned Planned Unit Development allowing for Light Industrial uses.

SP Linder gave the staff report, noting the request is proposing to enclose what is now a loading dock area of a former cabinet shop as part of a training program. SP Linder said the program provides 'hands on training' and will utilize the about 3,800 sf of the building for the educational program. Reminding of the required findings for a CUP, SP Linder addressed the following:

- shared drive-aisle access with adjacent buildings
- total of 50 parking stalls on-site (by city standards, this will be technically short 3 spaces)
- a maximum of 50 students are anticipated to be in the program
- methodology for traffic planning
- students will mostly use hand tools; 4 times year a cement truck will be brought in (with minimal cement delivery) and on those occasions, students will work from the truck
- traffic circulation to the site will not be changed
- 2 other training facilities are currently operating in the City; no huge impact and no complaints have been discerned

Commissioners asked questions/engaged in discussion with staff regarding:

- cement delivery 4 times per year is wet only
- if parking calculations are realistic for adult students traveling to site? [SP Linder said the calculations (15 spaces) were based on current Parking Code requirements;
Staff is relieved that the applicant has provided 50 spaces; even if perfect attendance is achieved, technically they are short only three spaces assuming each student and teacher drive alone. Commissioner Lyle suggested strongly that the Code standard is low (and pointed to concerns of the next agenda item); SP Linder agreed, but said the current proposal exceeded (3x's) the City's code requirements.]
- reciprocal parking is available
- program can include up to 160 students and 8 trainers [not likely on the site at the same time; some day, some evening, some weekend students]
- cleaning and disposal methods for 'wash down and drainage disposal' (proposed Resolution, Section 4, #8)
- request for Planning staff to investigate restrictions set by Public Works to ascertain any complaints received

Chair Escobar opened the public hearing.

Mark Gonzalez, 2350 Santa Rita Road, Pleasanton, Director of Apprenticeship and Operations in this region, spoke to the Commissioners, asking the request for the CUP be granted.

Commissioners clarified with Mr. Gonzalez:

- no more than 50 trainees at one time

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- (letter in distributed packets) much of the training is on ~~Sunday~~ **Saturday** so the business park will generally be empty and parking will not be an issue
- usual and customary days of operation: M – F with some evenings and some Saturdays
- apprentices out Monday thru Friday and on job sites
- ‘busiest day’: Saturday
- 50 maximum apprentices
- evening classes: occur ‘probably 10 - 15 times per year’ with typically time 6 - 9 and generally limited to plan reading, and using leveling instruments
- cement truck on Saturday typically limited to 4 times per year, with minimal {4 - 5 yards} ‘wet work’ completed
- concrete disposal: broken with a bar and transferred to a dumpster brought on site Friday and recycled on Monday
- rebar not typically used; just prototype not real in-depth work with concrete
- apprenticeship program has been on-going in CA for 30 years
- not a ‘hiring hall’; limited to training and administrative support
- staining dust used only in very small quantities
- continuous feed program with definite exit dates
- different levels of training might incorporate some limited outside training during the week, but mostly at desk training

Mr. Gonzalez was highly complementary of work done by Planning staff on this request.

With no others present to speak to the matter, the public hearing was closed.

Commissioners discussed the various aspects of the request and made recommendations for possible modifications to the proposed Resolution:

- need to alter hours of operation
- listing of various specialties within the program, e.g., entry level, journeyman, etc.
- occasional hours of operation Sunday through Friday 5 – 10 p.m.

COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO OPERATE A 17,947 SQUARE FOOT CEMENT MASONS TRAINING FACILITY AT 15825 CONCORD CIRCLE, WITH THE FOLLOWING MODIFICATION TO SECTION 4:

#2 to allow occasional evening classes to be conducted during the hours of 5 – 10 p.m.* AND INCLUSIVE OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER DAVENPORT SECONDED THE MOTION.

* Noted as being included in the letter from the applicant under ‘Statement of Operations

Under discussion, Commissioner Lyle asked if there was need to note a limit on the number of students? SP Linder responded by calling attention to the presented Statement of Operations.

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THE MOTION PASSED (6 - 0 - 0 - 1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA.

4) ZA 06-16: CITY OF MORGAN HILL-PUD/RPD, PARKING AND DESIGN REVIEW ORDINANCE AMENDMENTS AND ARCHITECTURAL DESIGN HANDBOOK

Consideration of modifications proposed to the Planned Unit Development, PUD chapter 18.30 and repeal of Chapter 18.18 Residential Planned Development, RPD zoning. Modifications are also proposed to chapter 2.56 Architectural Review Board, Chapter 18.50 Parking and Paving Standards and 18.74 Design Review. A revised Design Handbook will also be considered.

SP Linder presented the staff report, telling the Commissioners that a few years ago the process was started for consolidating design review in ‘one place’. SP Linder explained that staff had begun focusing on the PUD Ordinance and found a lot of design criteria in PUD and RPD chapters and other section of the zoning ordinance. She went on to explain the rationale and process used by utilizing the Design Review Ordinance and moving the design criteria into the handbook and updating the PUD Ordinance.

SP Linder then proceeded to review the modifications presented which were clearly delineated in the presented document, as she explained the text movements made, and how similar data was matched up for more user friendly content.

Chair Escobar open and the closed, the public hearing as none were present to address the matter.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF AMENDMENTS TO CHAPTER 2.56.030 TERMS OF OFFICE, AND AMENDING POWERS AND DUTIES SECTION 2.56.060, AND SECTION 2.56.070 EVALUATION, INCLUSIVE OF THE FINDINGS AND CONDITIONS OF THE RESOLUTION. COMMISSIONER DAVENPORT SECONDED THE MOTION, WHICH PASSED (6 - 0 - 0 - 1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA.

SP Linder was then requested to address various recommended changes as follows.

Chapter 18.18 & 18.30: repeal (18.18) and replaced (18.30) with a ‘brand new Ordinance’ [18.30]; the new Ordinance will cover both residential and non-residential precise development plan overlays and will still require findings to be made by the Planning Commission and City Council in determining what benefits will attain by allowing for exceptions to base zoning requirements. Commissioner Lyle observed that the new process appears to be a ‘good start’ but noted that state limitations to variations have been removed, for example the change in lot size (currently effective under 18.18.095). There may be problems e.g., small lot sizes, when the project proceeds with the PUD process that after allotments are awarded. It may be difficult to get the applicant to change lot sizes. “Minimum standards will be deleted. I’m nervous about a total relaxation of numbers.”

Commissioner Mueller commented that: “Other things are being deleted, too. In general, we seem to be going from something which is prescriptive in PUDs to a much more subjective form. With the other way, the handbook did not provide much of a guideline.

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All the things needed for amenities are gone too.”

Chair Escobar clarified that references which were antiquated would be deleted or covered elsewhere.

SP Linder advised that the reason for deletions was that often the applicants were found to be trying to work a way around the conditions of the Ordinance and the conditions inhibited needed flexibility.

CDD Molloy Previsich clarified the reasons of the PUD being ‘site specific’. “Under the new Chapter, we and you will be more focused case by case,” she said. “An applicant won’t be as clear as these are not specific standards but the applicant must prove their need for flexibility.”

Commissioner Lyle commented that an applicant should get the PUD before allotments are awarded.

CDD Molloy Previsich said, “The City has wanted to revise the PUD mechanism. The next step in Code revision will have us looking at residential based zoning districts which are reflective of what developers are doing and where those can be best placed. These changes will provide the opportunity to review base zoning.”

SP Linder also reminded that projects which compete in the RDSCS and receive allocations are not receiving approval of their development plan. Project layouts are often redone and fine tuned as a project moves through the City’s subdivision and zoning approval process. Alterations to a plan must not lower a project’s score. “It is important to remember there is not an entitlement when allocations are awarded,” she said. Commissioner Mueller commented that eventually the scoring criteria could be built in if the scoring dropped too far below minimums allowed.

CDD Molloy Previsich responded, “Staff will analyze and report on the PD applications, but the Planning Commission has the final say. The Commission is empowered to make comments for assisting the City Council.”

Responding to comments from Chair Escobar that he could not find indication if items which appear to be deleted were covered in another place or simply deleted, which created lack of clarity in how the Commission might need to deal with issues, SP Linder cited 18.18.950 as an example where decisions could be based on Commission discretion, e.g., changing a site plan. “Such discretion was not totally thrown out but given to the Planning Commission for determination.”

Commissioner Koepp-Baker commended staff for the work which she termed an ‘increased latitude but not redundancy’.

CDD Molloy Previsich noted that applicants must explain why they are changing from base development standards. Commissioner Davenport asked, “Does this really streamline the process?” SP Linder responded by giving an example of the Latala development whereby current limitations created difficulty in allowing design flexibility that ultimately created a superior site layout. We had to dodge standards

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which tied staff's hands. "This will help staff but more pressure on the Commission," Commissioner Mueller observed.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING CHAPTER 18.18, RESIDENTIAL PLANNED UNIT DEVELOPMENT OF THE MORGAN HILL MUNICIPAL CODE BE REPEALED. COMMISSIONER DAVENPORT SECONDED THE MOTION, WHICH PASSED (6 - 0 - 0 - 1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA.

Chapter 18.30

SP Linder explained that the issue here was applicability, with emphasis on any development proposing to deviate from the standards of the base zoning district would be covered with Master Plan Zoning and any proposed changes to that must be reviewed by the Planning Commission.

Commissioner Mueller asked: "Where is there reference to a provision which requires superior site design?" SP Linder spoke to the review and approval of design; and the need for review consistent with findings identified (18.30.050)

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING AMENDMENT TO CHAPTER 18.30, PLANNED UNIT DEVELOPMENT DISTRICT OF THE MORGAN HILL MUNICIPAL CODE. COMMISSIONER KOEPP-BAKER SECONDED THE MOTION.

Commissioner Lyle stated he would vote for the resolution but remained concerned with the timing particulars. "I have great concern that having the PUD not done before allotments are awarded, there is some potential for problems."

CDD Molloy Previsich said, "This new Ordinance will include having a preliminary plan process throughout, but not CEQA and not final approvals but suggestions for improvement. Commissioner Lyle replied, "That's good, but it should do more than encourage and not be optional."

THE MOTION PASSED (6 - 0 - 0 - 1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA.

Chapter 18.50

Commissioner Lyle asked when changes to the Parking Code would be delivered?

SP Linder said an earlier agenda item gave an example of where parking standards were not current and staff acknowledges the need to do a comprehensive update of the parking code but the current amendment request is limited to moving landscape and lighting design standards out of the parking ordinance.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF AN AMENDMENT TO CHAPTER 18.50 OF THE MORGAN HILL MUNICIPAL CODE REPEALING SECTIONS 18.50.180, .280, .340, AND

.350. COMMISSIONER DAVENPORT SECONDED THE MOTION, WHICH PASSED (6 - 0 - 0 - 1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA.

Chapter 18.74

SP Linder advised that the Design/Review Ordinance moved ‘a lot of standards and criteria into the design handbook to facilitate and assist the public’. The proposed design ordinance contains the procedures and findings necessary for various design review approvals. The Design Handbook will contain the City’s design guidelines and standards. The ARB, Commission and Council will have an illustrated handbook to measure applications for approval. If the applications become far out of compliance they can be directed to redesign in accordance with the standards and policies within the handbook. SP Linder went on to explain another change to the design ordinance which includes further definition of “sensitive sites” and sets out a process for administrative design permit approval of certain alterations to a sensitive site. CDD Molloy Previsich commented on the Administrative process of 18.74.040 (sensitive sites), and told the Commissioners, “If a project proposed something beyond what is defined at an administrative level it would have to be reviewed by the ARB.”

Commissioner Mueller observed, “The way this section starts out is reverse to what you have interpreted. I think you need to revisit the wording,” as he cited 18.74.120 as confusing with the repeated paragraph. Staff said they would review for clarity and correction.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING AMENDMENT TO CHAPTER 18.74, DESIGN REVIEW OF THE MORGAN HILL MUNICIPAL CODE, WITH AMENDMENTS NOTICED DURING DISCUSSION. COMMISSIONER KOEPP-BAKER SECONDED THE MOTION, WHICH PASSED (6 - 0 - 0 - 1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA.

Engaging in further discussion of the Design Review Handbook, SP Linder told of the previous workshop and the incorporation of the comments received. The one topic that could not be incorporated as thoroughly as requested were green building guidelines. The handbook currently referenced the standard guidelines and contains small sections labeled “energy conservation”. “Once a green building ordinance is adopted by the City, we plan to incorporate it as a separate chapter or section within the handbook. We’re not there with a green building ordinance yet but staff is working on it. Ideally the information will be added as separate chapter,” she said.

Commissioner Davenport said it important to make the public aware of a ‘ footnote’: There’s more green to come.

Discussion ensued regarding building green, introduction of the recommended changes just approved, and incorporating the City Council directive, with the RDCS point structure change further enhancing green building. CDD Molloy Previsich referenced the Code changes of last year and said committees were looking at other issues as well.

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Commissioner Davenport said he was concerned about the lack of reference to RDCS for more understanding. "This is a good first start and has clarified a lot of what we are trying to accomplish," he said. SP Linder pointed to page 7 of the Design/Review Handbook where RDCS criteria could be found and called attention that five of the bullets were designed to encourage and raise awareness of energy conservation.

Responding to Commissioner comments, CDD Molloy Previsich reminded the materials dealt with at this were *not* an Ordinance but guidelines. "However," she said, "this is an official document and development must be in compliance. It has the force of law." Commissioner Lyle asked if code enforcement could use these guidelines? [no]

Commissioner Mueller reiterated that development must be in substantial compliance with the handbook, as he stated a concern: what is a 'minimal standard'? CDD Molloy Previsich provided a review of 'shall/should' content and advised, "If 'shall' is not met then staff would have a hard time saying the project would be in substantial compliance."

Commissioner Koepp-Baker noted that the document contains mostly *should* in water, energy, which appears to be an emphasis on looking at conserving water and energy in this community.

CDD Molloy Previsich said there was basis for having the building codes being tightened up. SP Linder stated that for RDCS this is verbatim from the scoring criteria. CDD Molloy Previsich commented that staff thinks this will assist with streamlining and provides a good basis. "If there is need for more refinement, this process can readily achieve that," she said. Commissioner Davenport said he would like to see stronger language in the 'green areas'.

Commissioner Koepp-Baker called attention to page 42 where porous asphalt was referenced. "That is different from 'permeable'. Can they be used interchangeable? I can't find definitions," she said. SP Linder advised she will work with Public Works to ensure clarity.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING ADOPTION OF THE DESIGN REVIEW HANDBOOK. COMMISSIONER KOEPP-BAKER SECONDED THE MOTION, WHICH PASSED (6 - 0 - 0 - 1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA

Commissioner Acevedo announced, "I had considered whether I should step down for the next agenda item as I own and operate a business property in the downtown. However, given nature of this subject, I don't see that my participation would be in conflict with this discussion, so I will participate."

5) DOWNTOWN HISTORICAL RESOURCE DETERMINA- TIONS

The Planning Commission reviewed historical evaluations prepared for 30 properties in the downtown area and was asked to forward a recommendation to the City Council as to whether or not the properties are historically significant on a local level. The Commission was also asked to determine whether further evaluation is recommended

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for other properties and objects in the downtown, including the Granada Theater Sign.

SP Tolentino presented the staff report, giving an overview of the work completed with the Consultant, including the visual survey of properties located in the City's Urban Growth Boundary that are at least 45 years old, and the resultant 126 properties which were found to maintain some historic integrity that warranted further evaluation. That number, SP Tolentino said, was further refined as part of the City's update efforts to 30 properties in the downtown area that were fully evaluated, with 16 having been determined eligible for local listing or potentially historically significant on a local level. SP Tolentino explained that to be considered a significant historical resource, a resource must have age, integrity and significance in association with an important historic context. All 16 eligible properties have age and integrity, but Staff felt only five have significance in association with an important historic context.

SP Tolentino then presented the five properties, explaining each either have association with persons of local importance or represent buildings retentive of a high degree of integrity for historical resource consideration with reference to context significance:

#386 95 West First Street – Context 3: Community Growth & Development

#420 50 West First Street - Context 6: Ethnic & Religious Groups

#495 65 West Dunne Avenue - Context 3: Community Growth & Development

#518 45 West Dunne Avenue - Context 3: Community Growth & Development

#41 17175 Monterey Road - Context 6: Ethnic & Religious Groups

Other downtown objects and structures had also been identified as having local importance, SP Tolentino advised, that may be significant on a local level, including the Granada Theater Sign, the former Mason & Triggs Bldg located at the northwest corner of 2nd/Monterey, and the Morgan Hill Times Building. The Morgan Hill Times Building was not eligible due to a lack of integrity but staff wanted to bring it to the attention of the Planning Commission.

CDD Molloy Previsich stated, "If something is determined to be significant locally, basically it means if a person wants to alter the building, then any work must be consistent with the Secretary of Interior Standards. Or, if demolition occurs, then there must be an EIR, and the City Council must make statement of overriding reasons for unavoidable significance." Responding to Commissioner questions, CDD Molloy Previsich said, "The City wants to keep buildings in the right context, like downtown."

Commissioner Mueller said his concern in addressing the matter was that none of property owners were in attendance. SP Tolentino responded that direct mailings had been made to each of 30 property owners regarding the matter. CDD Molloy Previsich added, "It truly was a letter that was sent, not just a public notice. Staff really went into what this designation means." Commissioner Mueller asked if the Historical Society had been notified of this meeting. [no; just property owners] Further responding to questions, Staff said the letters had been mailed May 1, 2008 with no response having been received.

Commissioners engaged in discussion with staff, and noted questions/concerns of:

- are only structures protected? Suppose the City wants to widen a street, would a full EIR be required? [only structures are recommended]

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- in the survey report there are three potential historic districts identified, with the five presented now being outside those districts
- a potential historic district in downtown has not been identified

Commissioner Acevedo commented, "With the Mason & Triggs building, much of the original building has been retained, so there is nothing to say that someday the building could be restored to what it was originally. So what significant changes does staff think has been done?" SP Tolentino referenced the side facing Second Street where 'part or all' has been added on. Commissioner Acevedo continued by saying, "If ever someone wanted to restore it to the original architectural look, it would not be hard to do." CDD Molloy Previsich said it was really a local determination and launched discussion of ages of buildings and changes, together with the potential for restoration(s).

Chair Escobar stated that he was hearing from staff: further study could be undertaken on recommendation by the Planning Commission. Chair Escobar reminded that the five houses listed required determination by the Planning Commission that historic significance could be recognized and the remaining 25 properties were not significant.

Chair Escobar opened, and then closed, the public hearing as there were no persons present to address the matter.

Commissioners and staff discussed:

- concern of 'slippery slope as probably everything in town had been modified since 1970
- the Mason & Triggs building goes back to the turn of the century
- beyond age and integrity, some link to significance in association with an important historic context must be found the sign at the Granada Theater only has value when attached to the building entrance; if the sign is moved, a reduction results to the building
- the sign and building entrance at the Granada Theater helps define downtown [CDD Molloy Previsich indicted uncertainty if it would be possible to identify only portions of buildings; Chair Escobar said, "Certainly it can be done," and provided example of that occurrence]

CDD Molloy Previsich advised that the Redevelopment Agency owns the theater property and the Planning Commission might want to forward recommendation that since a City agency is involved, these features be retained and at the existing location. Commissioner Mueller agreed, saying he was not comfortable with saying the sign could be moved as he thought it to be an 'anchor point' for what the downtown is and how the historic area can be identified. Chair Escobar spoke on the virtues of the Willow Glen Theater, with CDD Molloy Previsich adding it appears to be the desire of the RDA to retain the property as a theater. Chair Escobar stressed he thought the Planning

Commission wants to maintain the appearance of the Granada.

CDD Molloy Previsich said she would convey that thinking and the potentially historic significance of the sign and entrance as a significant historic resource to the RDA.

Considerable discussion ensued regarding the package of the sign and the entrance,

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which the Commissioners indicated as important and intended a recommendation of retaining as being important to the Planning Commission with the hope that it would be important to the City Council/RDA as well. Commissioner Acevedo stressed the importance of having it made clear that the Commissioners would strongly object to having the upright sign moved to another location.

CDD Molloy Previsich observed that the 'whole package: signage and entrance' is the recommendation of the Planning Commission, and if the City Council thinks any part of the Granada entrance is to be changed, then it could be addressed in the EIR.

Commissioner Lyle asked, "If the City wanted to add stories to the theater building, could they do so?" Chair Escobar said one question would be: can it physically be done? CDD Molloy Previsich advised, "If the City Council agrees the building is to be retained for theater use, that objective must be met in consideration of other potential changes."

Discussion then centered on the Morgan Hill Times Building with Commissioners noting:

- there appears to be more significance attached to the business than the building
- if trying to retain the City's oldest business and it is relocated or the business diminishes, what happens to building
- building may be significant as a local historic structure but does not offer the ambiance of the Theater and the Mason & Triggs building
- consultant did a full study of the Times building with historic integrity not found

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING MAKING A DETERMINATION OF LOCAL HISTORICAL SIGNIFICANCE FOR THE FIVE IDENTIFIED STRUCTURES (#386, #420, #495, #518, AND #41) AND ONE FEATURE (GRANADA THEATER SIGN & FAÇADE - UPRIGHT SIGN, MARQUEE, RECESSED ENTRY, CURVED OVERHANG, MOVIE POSTER DISPLAY CASES AND TICKET BOOTH) AT EXISTING LOCATION IN THE DOWNTOWN AREA; ONE STRUCTURE (MASON & TRIGGS BLDG; 17415 MONTEREY ROAD) POTENTIALLY SIGNIFICANT; AND RECOMMENDING TO MAKE A DETERMINATION OF NOT SIGNIFICANT FOR 25 STRUCTURES IN THE DOWNTOWN (APNs 726-14-028; 767-07-056; 767-08-015, -036, & -039; and 767-48-009 / APNs 726-13-011, -020 & -041; 726-14-001 thru -007, -053 & -056; 767-07-010, -022, -023, -037, -053, -060, & -066; 767-08-001, -018, -025, -027, -028, -044 & -047), INCLUSIVE OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER DAVENPORT SECONDED THE MOTION, WHICH PASSED (6 - 0 - 0 - 1) WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: TANDA

6) SPECIAL MEETING FOR HISTORICAL RESOURCES ORDINANCE WORKSHOP

The Planning Commission was asked to discuss holding a special meeting in June for a Historical Resources Ordinance Workshop.

SP Tolentino said the proposed meeting will take the form of a workshop with opportunity for hearing from the public on the issue. It was stressed by CDD Molloy

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Previsich that the desire of the City is to ensure notification of as many of the public as possible. Several potential dates were discussed, with Chair Escobar directing June 3, 2008 be set for the meeting.

ANNOUNCEMENTS: At the next Commission meeting, selection of a new Chair and Vice-Chair will be considered.

SP Tolentino gave the staff report of the City Council action, whereby the Council had approved the Development Agreement extension and Development Schedule for Jarvis-South County Housing, as recommended by the Planning Commission.

CDD Molloy Previsich advised, that in addition to May 27 agenda items listed, the report of population figures from the CA Department of Finance will be presented. She said staff is also preparing language to be presented for the ballot measure exempting downtown development as directed by City Council.

Questions were asked by Commissioner Mueller regarding receiving a report on Regional Housing Needs; it was noted that the City needs to know where it is in terms of meeting the stated Needs.

Commissioner Davenport asked about the RDCS (small) competition coming up. CDD Molloy Previsich said it would be on the Commission agenda May 27. She said, "There has been a lot of interest (23 + inquires) of those who want to file for allotments for the October competition, and about 6 for the small/micro competition."

Chair Escobar gave a report on a recent meeting with the Mayor and Mayor Pro Tem regarding the Commission workplan. Chair Escobar said he had indicated to the participants of the meeting the workplan appears to be 'ambitious'. Chair Escobar also asked the City officials to consider a concern: the City Councilmembers take their seats in December and since it appears if the workplan is based on the fiscal or calendar year, and the Planning Commissioners' terms are based on the fiscal year, the two bodies are not always on the same page. Chair Escobar suggested that if a Commissioner is 'terming-out' in July they might not feel a responsibility to the workplan, and the person in line for being the Chair should - for continuity - be encouraged to attend the upcoming meeting for workplan development.

ADJOURNMENT: There being no further business to be considered at this meeting, Chair Escobar declared adjournment at 10:04 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk